

**ORIGINAL**

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

**RECEIVED**  
MAY 24 2004

NORFOLK SOUTHERN (OWNER)  
METRA (LESSEE)

Illinois Commerce Commission  
RAIL SAFETY SECTION

Joint Petitioners

vs.

DOCKET NO. T04-0050

ILLINOIS DEPARTMENT OF TRANSPORTATION,  
COOK COUNTY and VILLAGE OF PALOS PARK,

Respondents.

Petition of the Norfolk Southern and Metra seeking an order of the Illinois Commerce Commission directing that an additional track and grade crossing be constructed at 86<sup>th</sup> Avenue (DOT 478-770U) on the Norfolk Southern, in Palos Park, IL.

**PETITION**

Now comes the Joint Petitioners, Norfolk Southern ("NS") and Metra, pursuant to Section 18c-7401(3) of the Illinois Commercial Transportation Law (625 ILCS 5/Ch. 18C), and petitions the Illinois Commerce Commission (the "Commission") for an order directing that an additional track and grade crossing be constructed at 86<sup>th</sup> Avenue (DOT 478-770U) on the NS in Palos Park, Cook County, IL. In support of its Petition, NS and Metra states as follows:

1. NS is a rail carrier operating in Illinois and is a rail carrier within the meaning of the Illinois Commercial Transportation Law.
2. Metra is a passenger service in Illinois and leases and operates over NS trackage for passenger service.
3. The Illinois Department of Transportation is an agency of the State of Illinois and is subject to the jurisdiction of the Commission.
4. Cook County is a political subdivision within the State of Illinois and is subject to the jurisdiction of the Commission.
5. The Village of Palos Park is a political within the State of Illinois and is subject to the jurisdiction of the Commission.
6. NS owns and operates a main line of the railroad through Cook County continuing into Will County to Manhattan, IL. This main line passes through the municipality made a party respondent to this action.
7. Metra currently operates sixteen commuter trains per day from Chicago to 179<sup>th</sup> Street in Orland Park, Illinois on the NS main line described in the preceding paragraph.

**DOCKETED**

8. To improve safety and efficiency of Metra operations and to accommodate future additional Metra trains on the NS's main line, officials from the Engineering Department of NS and Metra have determined that the construction of an additional main line track, at grade, across 86<sup>th</sup> Avenue in Palos Park is necessary to safely accommodate the current and projected Metra trains without interference from or delay caused by freight operations.
9. The NS traffic and timetable speed, current and projected Metra traffic and timetable speed, existing warning devices and existing crossing surface type are set forth in Exhibit A and incorporated herein by reference.
10. A Construction plan for the project is attached hereto as Exhibit B and incorporated herein by reference.
11. Metra proposes that it will pay for the new construction and proposed crossing as set forth in Exhibit A, including installation of new gates and cantilevers.

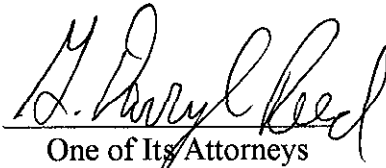
WHEREFORE, Joint petitioners Norfolk Southern and Metra respectfully requests that the Commission:

- a) Set this matter for hearing with due notice to the parties;
- b) After hearing, enter an order directing Joint Petitioners Norfolk Southern and Metra to construct an additional track and grade crossing as set forth in Exhibits A and B;
- c) Provide such other and further relief, as the Commission deems just and appropriate.

Dated at Chicago, Illinois this 20<sup>th</sup> day of May, 2004.

Respectfully Submitted,

Metra

By   
One of Its Attorneys

G. Darryl Reed  
SIDLEY AUSTIN BROWN & WOOD LLP  
Bank One Plaza  
10 S. Dearborn Street  
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**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

NORFOLK SOUTHERN (OWNER)  
METRA (LESSEE)

Joint Petitioners

vs.

DOCKET NO. \_\_\_\_\_

ILLINOIS DEPARTMENT OF TRANSPORTATION,  
COOK COUNTY and VILLAGE OF PALOS PARK,

Respondents.

**NOTICE OF FILING**


Ms. Stacey C. Hollo  
Special Assistant Attorney General  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 311  
Springfield, IL 62764

Mr. Wally Kos  
Cook County Superintendent of  
Highways  
69 W. Washington Street  
Chicago, IL 60661

Ms. Annette Mucha  
Village Clerk  
Village of Palos Park  
8999 W. 123<sup>rd</sup> Street  
Palos Park, IL 60464

PLEASE TAKE NOTICE that we have on this 20<sup>th</sup> day of May, 2004, filed with the Illinois Commerce Commission, Norfolk Southern and Metra's Joint Petition in the above-captioned matter, a copy which is hereby served upon you.


Metra

By   
One of its Attorneys

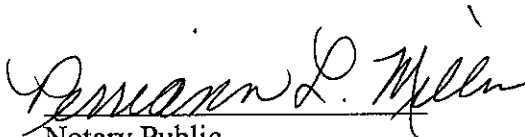
G. Darryl Reed  
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**PROOF OF SERVICE**

G. Darryl Reed, being duly sworn, under oath, deposes and states that on behalf of the Joint Petitioners, he served the foregoing Joint Petition upon the respondents made party to this proceeding by enclosing copies of the petition in envelopes addressed to those parties as set forth below, postage pre-paid, and depositing the envelopes in the United States Mail at 10 South Dearborn Street, Chicago, IL on the 20<sup>th</sup> day of May, 2004.

  
G. Darryl Reed

SUBSCRIBED and SWORN to  
Before me this 20<sup>th</sup> day of  
May, 2004.

  
Notary Public



Ms. Stacey C. Hollo  
Special Assistant Attorney General  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 311  
Springfield, IL 62764

Mr. Wally Kos  
Cook County Superintendent of  
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Village Clerk  
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8999 W. 123<sup>rd</sup> Street  
Palos Park, IL 60464

## **EXHIBIT A**

86<sup>th</sup> Avenue  
Palos Park, IL  
DOT 478-770U

Rail Freight Traffic – 4 trains per day  
Timetable Speed – 40 MPH

Metra Traffic – 16 trains per day  
(Metra proposes to increase this number to 30  
trains per day)  
Timetable Speed – 60 MPH  
(Metra proposes to increase speed to 79 MPH)

Existing Warning Devices – Cantilever flashers/gates & AFTAC circuitry.  
Proposed Warning Devices – Cantilever flashers/gates & CWTD circuitry for two tracks.

Proposed crossing surface – Full depth rubber with asphalt in the median.

### **COST ESTIMATES**

Construct one new track and crossing at 86 <sup>th</sup> Avenue	\$204,000.00
Install new cantilever flasher/gates for two tracks and circuitry.	\$250,113.00

# **EXHIBIT B**